

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	SUPERSEDING
	:	<u>INFORMATION</u>
- v. -	:	
	:	S1 08 Cr. 66 (DLC)
KENDY HERNANDEZ,	:	
a/k/a Christian Melendez,	:	
a/k/a Christian Melendez-Camacho,	:	
	:	
Defendant.	:	
----- x	:	

COUNT ONE

The United States Attorney charges:

1. From in or about September 2006, up to and including in or about October 2006, in the Southern District of New York and elsewhere, KENDY HERNANDEZ, a/k/a Christian Melendez, a/k/a Christian Melendez-Camacho, the defendant, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution by means of false and fraudulent pretenses, representations, and promises, to wit. HERNANDEZ deposited stolen checks into a bank account at Commerce Bank and withdrew funds from that account.

(Title 18, United States Code, Section 1344.)

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COUNT TWO

The United States Attorney further charges:

2. In or about May 2006, in the Southern District of New York and elsewhere, KENDY HERNANDEZ, a/k/a Christian Melendez, a/k/a Christian Melendez-Camacho, the defendant, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution by means of false and fraudulent pretenses, representations, and promises, to wit, HERNANDEZ deposited stolen checks into a bank account at People's Bank and withdrew funds from that account.

(Title 18, United States Code, Section 1344.)

COUNT THREE

The United States Attorney further charges:

3. From in or about July 2006, up to and including in or about August 2006, in the Southern District of New York and elsewhere, KENDY HERNANDEZ, a/k/a Christian Melendez, a/k/a Christian Melendez-Camacho, the defendant, unlawfully, willfully, knowingly, and with intent to defraud, as part of an offense affecting interstate commerce, did effect and attempt to effect transactions, with one and more access devices issued to another

person and persons, to receive payment and any other thing of value during a one-year period, the aggregate value of which was equal to and greater than \$1,000, to wit, HERNANDEZ used credit card numbers and information issued to another individual without the authorization of that individual, and purchased goods with those credit card numbers and information.

(Title 18, United States Code, Section 1029(a)(5).)

COUNT FOUR

The United States Attorney further charges:

4. From in or about September 2006, up to and including in or about October 2006, in the Southern District of New York and elsewhere, KENDY HERNANDEZ, a/k/a Christian Melendez, a/k/a Christian Melendez-Camacho, the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to the bank fraud set forth in Count One herein, to wit, HERNANDEZ used a United States Social Security card registered in the name "Cristian Omar Melendez Camacho" to open a bank account.

(Title 18, United States Code, Section 1028A.)

FORFEITURE ALLEGATION AS TO COUNTS ONE THROUGH THREE

5. As a result of committing the offenses alleged in Counts One through Three of this Superseding Information, KENDY HERNANDEZ, a/k/a Christian Melendez, a/k/a Christian Melendez-

Camacho, the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2)(A), and (B), any property constituting or derived from proceeds obtained directly or indirectly as a result of the offenses charged in Counts One through Three.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of one of the defendants:

(i) cannot be located upon the exercise of due diligence;

(ii) has been transferred or sold to, or deposited with, a third person;

(iii) has been placed beyond the jurisdiction of the Court;

(iv) has been substantially diminished in value; or

(v) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture

of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982(a)(2)(A), (B) and Title 18, United States Code, Sections 1344, 1029.)


MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

KENDY HERNANDEZ,
a/k/a Christian Melendez,
a/k/a Christian Melendez-Camacho,

Defendant.

SUPERSEDING INFORMATION

S1 08 Cr. 66 (DLC)

(18 U.S.C. §§ 1028A, 1029, 1344)

MICHAEL J. GARCIA

United States Attorney.

5/14/08 Waiver of Indictment filed.
Deft. Present Watty. Jennifer Brown.
AUSA Telemachus Kasulis Present.
Court reporter Alena Lynch Present.
Deft. withdraws not guilty plea and pleads
guilty as charged in S1 08 Cr. 66. Court
accepts guilty plea. ~~Sentence set~~ PSR ordered.
Sentence date set for , 2008 at
Any defense sentencing submissions are due
Govt's response due
Detention Continued.

Cole, USDI